

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Manasseh, et al.

Serial No.: 10/506,368

For: SYSTEM AND METHOD FOR TRAVELER INTERACTIONS
MANAGEMENT

Filed: January 21, 2005

Examiner: Kent WANG

Art Unit: 2622

Confirmation No. : 1079

Customer No. : 27,623 Attorney Docket No.: 0004800USU/4269

**Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

APPEAL BRIEF FILED UNDER 35 U.S.C. §134

Dear Sir:

In response to a notice of non-compliant appeal brief mailed January 13, 2010,
Applicants are filing the present Appeal Brief under 35 U.S.C. §134 and 37 C.F.R. §41.37.

(1) REAL PARTY IN INTEREST

The real party in interest is NICE Systems, Ltd. of Ra'anana, Israel ("NICE").
Assignments to NICE of the rights in the present application by MANASSEH, Frederick

Mark; BEN-TOV, Omri; HADAD, Zion; MOAV, Jonathan; and RUBEL, Asher are recorded at reel 015604, frame 0763.

(2) RELATED APPEALS AND INTERFERENCES

No other appeals, interferences, or judicial proceeding are known to Appellants, Appellant's attorney or the assignee of the application, (NICE Systems, Ltd.), which will directly affect, be directly affected by, or have any bearing on, the Board's decision in the pending appeal.

(3) STATUS OF THE CLAIMS

Pending claims 1-38 and 40-60 are finally rejected and are the subject of this appeal. Independent claims 1, 23 and 43 are rejected under 35 U.S.C. §102(e) over US2003/0210139 of Brooks ("Brooks"). Claims 2-17, 19, 24-32, 34-38, 40, 42, 46-47 and 54 are rejected under §103(a) as being unpatentable over Brooks in view of US6,396,535 to Waters ("Waters"). Claims 18, 20-22, 33, 41 and 50 are rejected under §103(a) as being unpatentable over Brooks in view of US6,757,408 to Houvener ("Houvener"). Claim 53 is rejected under §103(a) as being unpatentable over Brooks in view of Waters and further in view of Houvener. Claims 44-45 are rejected under §103(a) as being unpatentable over Brooks in view of Houvener and further in view of US6,507,278 to Brunetti ("Brunetti"). Claims 51-52 are rejected under §103(a) as being unpatentable over Brooks in view of Brunetti. Claims 48-49 are rejected under §103(a) as being unpatentable over Brooks in view of Waters and further in view of US6,724,887 to Eilbacher ("Eilbacher"). Claims 55-56 and 58-59 are rejected under §103(a) as being unpatentable over Brooks in view of US20030058084 of O'Hara ("O'Hara"). Claims 57 and 60 are rejected under §103(a) as being unpatentable over Brooks in view of US7,084,736 to Ritter ("Ritter"). Claim 39 has been cancelled.

(4) STATUS OF AMENDMENTS

A final office action was mailed on July 1, 2009 ("the Final Office Action") that deemed the arguments of the amendment filed on May 6, 2009, in response to the non-final office action (non-final office action) mailed on February 6, 2009, to not be persuasive. On September 30, 2009, a pre-appeal brief request for review and a notice of appeal were filed under 35 U.S.C. §134. The claims on appeal are set forth in the attached Claims Appendix.

(5) SUMMARY OF THE CLAIMED SUBJECT MATTER

Page numbers, figure numbers and reference numerals of the present Appeal Brief will reference the page numbers, figure numbers and reference numerals of the application as filed.

Independent Claims 1, 23 and 43:

Independent claim 1 is described throughout the specification and in particular on Figs. 2 and 3 and on page 11 line 10 - page 24 line 17. Independent claim 1 is directed to an apparatus for analysis of at least a first and a second agent-traveler interactions. The apparatus includes a first station (94, 96, 98, 100, 102, 104, 36, 38, 40, or 42 of Figs. 2 and 3,) for capturing substantially the full audio, video, and data (page 12 lines 10-20 and 28-30, page 13 lines 15-19 and 25-27, page 14 lines 10-11, page 15 lines 11-16 and 22-23, page 16 lines 12-15 and 23-29, page 17 lines 6-7, page 18 line 24 – page 19 line 5, page 21 lines 7-11 and 26-30, page 22 line 9-19, and 23-27, page 23 lines 8-12 and 20-21) of the first agent-traveler interaction along a path of a traveler (108, 156, 118, 146, 46, 72 or 84 of Figs. 2 and 3, described on page 11 line 10 - page 17 line 17, and page 20 line 11 to page 23 line 29), and a second station (94, 96, 98, 100, 102, 104, 36, 38, 40, or 42 of Figs. 2 and 3) for capturing substantially the full audio, video, and data (page 12 lines 10-20 and 28-30, page 13 lines 15-19 and 25-27, page 14 lines 10-11, page 15 lines 11-16 and 22-23, page 16 lines 12-15 and 23-29, page 17 lines 6-7, page 18 line 24 – page 19 line 5,

page 21 lines 7-11 and 26-30, page 22 line 9-19, and 23-27, page 23 lines 8-12 and 20-21) of the second agent-traveler interaction along a path of a traveler (108, 156, 118, 146, 46, 72 or 84 of Figs. 2 and 3, described on page 11 line 10 - page 17 line 17, and page 20 line 11 to page 23 line 29) wherein the second agent-traveler station is located at a location other than the first agent-traveler station (Figs. 2 and 3, and general structure of an airport). The apparatus comprises an analysis device (234 of Fig. 5) for comparing the audio, video, and data of the first agent-traveler interaction with the audio, video, and data of the second agent-traveler interaction to determine, based upon a predetermined rule, a discrepancy (page 28 line 7 – page 29 line 19, and in particular on page 28 line 14 and on).

Independent claim 23 is described throughout the specification and in particular on Figs. 2 and 3 and on page 11 line 10 to page 24 line 17. Independent claim 23 is directed to a method for the analysis of at least two captured interactions associated with a traveler and an agent, the method comprising the steps of: capturing (page 18 line 26 – page 19 line 5) substantially the full audio, video, and data (page 12 lines 10-20 and 28-30, page 13 lines 15-19 and 25-27, page 14 lines 10-11, page 15 lines 11-16 and 22-23, page 16 lines 12-15 and 23-29, page 17 lines 6-7, page 18 line 24 – page 19 line 5, page 21 lines 7-11 and 26-30, page 22 line 9-19, and 23-27, page 23 lines 8-12 and 20-21) of a first agent-traveler interaction at a first station (94, 96, 98, 100, 102, 104, 36, 38, 40, or 42 of Figs. 2 and 3) along a path of a traveler (108, 156, 118, 146, 46, 72 or 84 of Figs. 2 and 3); capturing (page 18 line 26 – page 19 line 5) substantially the full audio, video, and data (page 12 lines 10-20 and 28-30, page 13 lines 15-19 and 25-27, page 14 lines 10-11, page 15 lines 11-16 and 22-23, page 16 lines 12-15 and 23-29, page 17 lines 6-7, page 18 line 24 – page 19 line 5, page 21 lines 7-11 and 26-30, page 22 line 9-19, and 23-27, page 23 lines 8-12 and 20-21) of a second agent-traveler interaction at a second station (94, 96, 98, 100, 102, 104, 36, 38, 40, or 42 of Figs. 2 and 3) along the path of the traveler (108, 156, 118, 146, 46, 72 or 84 of Figs. 2 and 3, page 11 line 10 to page 17 line 17, and page 20 line 11 to page 23 line 29); and comparing the second agent-traveler interaction with the first agent-traveler interaction, to determine, based upon a predetermined rule, a discrepancy (page 28 line 7 – page 29 line 19, and in particular page 28 line 14 and

following). The second agent-traveler station is located at a location other than the first agent-traveler station, (page 11 lines 17-20, Figs. 2 and 3 and general structure of an airport).

Independent claim 43 is described throughout the specification and in particular on Figs. 2 and 3 and on page 11 line 10 - page 24 line 17. Independent claim 43 is directed to a method for traveler interactions management comprising: capturing (page 18 line 26 – page 19 line 5) substantially the full audio, video, and data (page 12 lines 10-20 and 28-30, page 13 lines 15-19 and 25-27, page 14 lines 10-11, page 15 lines 11-16 and 22-23, page 16 lines 12-15 and 23-29, page 17 lines 6-7, page 18 line 24 – page 19 line 5, page 21 lines 7-11 and 26-30, page 22 line 9-19, and 23-27, page 23 lines 8-12 and 20-21) of a first agent-traveler interaction at a first station (94, 96, 98, 100, 102, 104, 36, 38, 40, or 42 of Figs. 2 and 3) along a path of a traveler (108, 156, 118, 146, 46, 72 or 84 of Figs. 2 and 3); capturing (page 18 line 26 – page 19 line 5) substantially the full audio, video, and data (page 12 lines 10-20 and 28-30, page 13 lines 15-19 and 25-27, page 14 lines 10-11, page 15 lines 11-16 and 22-23, page 16 lines 12-15 and 23-29, page 17 lines 6-7, page 18 line 24 – page 19 line 5, page 21 lines 7-11 and 26-30, page 22 line 9-19, and 23-27, page 23 lines 8-12 and 20-21) of a second agent-traveler interaction at a second station (94, 96, 98, 100, 102, 104, 36, 38, 40, or 42 of Figs. 2 and 3) along the path of the traveler (108, 156, 118, 146, 46, 72 or 84 of Figs. 2 and 3); recording the captured first and second audio, video, and data information (page 8 lines 5-6, elements 222, 224 of Fig. 5, page 25, lines 5-20); storing the recorded first and second audio, video, and data information on a storage device (228 of Fig. 5, page 28 lines 7-11), and analyzing the recorded first and second audio, video, or data information, by performing a comparison between the first and second audio, video, or data information to determine, based upon a predetermined rule, a discrepancy between the first agent-traveler interaction and the second agent-traveler interaction (page 28 line 7 – page 29 line 19, and in particular on page 28 line 14 and on).. The first and second predetermined locations are substantially non-overlapping (page 11 lines 17-20, Figs. 2 and 3 and general structure of an airport).

Claims 3 and 26:

Dependent claim 3 requires an alarm identifier device (322 of Fig. 8) for identifying an alarm situation based on the comparing of the at least one second agent-traveler interaction with the at least one first agent-traveler interaction (page 33 lines 8-9, page 35 line 26 – page 36 line 9).

Dependent claim 26 requires a step of an alarm identifier device identifying (348 of Fig. 9) an alarm situation based on the comparing of the at least one second agent-traveler interaction with the at least one first agent-traveler interaction (page 33 lines 8-9, page 35 line 26 – page 36 line 9).

Claims 46 and 54:

Dependent claim 46 and dependent claim 54 requires that the data capture device (226 of Fig. 5) is a screen capture device (page 26 line 22 – page 27 line 15).

Claims 10 and 32:

Dependent claim 10 and dependent claim 32 require that the first and second stations comprise a video capturing device (222 of Fig. 5) for capturing video of the first interaction or the second interaction, an audio recording device (224 of Fig. 5) for capturing audio of the first interaction or the second, a data capture device (226 of Fig. 5) for capturing data of the first interaction or the second, a storage device (228 of Fig. 5) and a data retrieval device (230 of Fig. 5). The limitation of claim 10 is described on page 26 line 1 - page 27 line 27.

Claims 48 and 49:

Dependent claim 48 requires wherein the analysis is spotting words said by the traveler (page 28 line 20).

Dependent claim 49 requires wherein the analysis is stress detection of the traveler (page 28 line 20, page 35 lines 18-19).

Claim 53:

Serial No. 10/506,368

Dependent claim 53 requires the audio, video, and data of the at least one first agent-traveler interaction or the audio, video, and data of the at least one second agent-traveler interaction are recorded synchronously (page 27 lines 16-17).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1, 23 and 43 are unpatentable under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003020139 to Brooks;
2. whether claims 2-17, 19, 24-32, 34-38, 40, 42, 46-47 and 54 are unpatentable under 35 U.S.C. § 103 over U.S. Patent Application Publication No. 2003020139 to Brooks in view of US6,396,535 to Waters;
3. whether claim 53 is unpatentable under 35 U.S.C. § 103 over U.S. Patent Application Publication No. 2003020139 to Brooks in view of US6,396,535 to Waters and further in view of US6,757,408 to Houvener; and
4. whether claims 48 and 49 are unpatentable under 35 U.S.C. § 103 over U.S. Patent Application Publication No. US 2003020139 to Brooks in view of US6,396,535 to Waters and further in view of US6,724,887 to Eilbacher.

(7) ARGUMENTS

First Ground of rejection under 35 U.S.C. § 102(e) over Brooks.

Claims 1, 23 and 43 stand or fall together

Capture of substantially the full audio, video and data of interactions

Claim 1 provides:

"an at least one first station for capturing substantially the full audio, video, and data of the at least one first agent-traveler interaction along a path of a traveler",
and

"an at least one second station for capturing substantially the full audio, video, and data of the at least one second agent-traveler interaction along a path of a traveler."

Claim 23 provides:

"capturing substantially the full audio, video, and data of a first agent-traveler interaction at a first station along a path of a traveler" and

"capturing substantially the full audio, video, and data of a second agent-traveler interaction at a second station along the path of the traveler."

Claim 43 provides:

"capturing first audio, video, and data information related to a first agent-traveler interaction, at a first predetermined location along a path of a traveler;" and

"capturing second audio, video, and data information related to a second agent-traveler interaction, at a second predetermined location along the path of the traveler."

Appellants submit that Brooks fails to anticipate capturing or a capturing device for capturing substantially the full audio, video and data of the first and second interactions.

The Final Office Action asserts that Brooks discloses “an at least one first station (at airline passenger check-in counters where passengers first check their luggage) for capturing substantially the full audio, video, and data (the video, which including [sic] audio and data, can be recorded 24 hours a day on a system, i.e. the station can include a camera, an audio transducer, and a scanner for data, see [0042]) of the at least one first agent traveler interaction along a path of a traveler ([0020], [0042], [0045], [0048], and [0050]).”

Appellants submit that Brooks does not disclose capturing substantially the full audio, video and data of interactions. Brooks relates only to attributes of areas (see Brooks at [0021]), to personnel identification data (see Brooks at [0037] and [0048]), intrusion detection means (see Brooks at [0050]), and the mere technical identification of the passenger (see Brooks at [0038], using biometric and other sensors). Brooks teaches identifying security breaches based on such discrete attributes and identifications, and does not capture or use the full traveler-agent interactions, including audio, video and data, as required by the present invention. Further, Brooks at [0020] mentions various locations in which security can be identified or tested. However, the mentioned locations include unmanned locations such as entrance or exit to the airport property, or runways, which are irrelevant for agent-traveler interactions. Therefore, Brooks relates to capturing discrete security aspects within stations in an area such as an airport, and not to capturing agent-traveler interactions, particularly not the full interaction and all aspects thereof, including audio, video and data, that represent all the activity that took place throughout the interaction. In fact, Brooks in dealing with unmanned locations teaches away from the notion of capturing an agent-traveler interaction altogether.

Brooks at [0045] teaches using security camera supervision, but such capturing is not interaction-related. Rather, Brooks mentions either capturing in emergency situations, wherein the alarm-raising situation has already started which means that: first, not the whole situation is captured; and second, non-emergency interactions are not captured at

all. Alternatively, Brooks mentions 24-hour capturing, in which a particular interaction is indistinguishable as such from the whole continuous recording. No association between a recording and an interaction is mentioned by Brooks.

As for audio recording, CCTV cameras intended for security in an area such as an airport, operate in a noisy environment and will thus not capture the voice of an interaction with usable quality. No other voice capturing means is taught by Brooks.

Accordingly, Appellants submit that Brooks fails to disclose or suggest capturing the full audio video and data of a first and second traveler-agent interactions, as recited by claims 1, 23 and 43.

Comparison of interactions to determine a discrepancy

Claim 1 provides an analysis device for comparing the audio, video, and data of the at least one first agent-traveler interaction with the audio, video, and data of the at least one second agent-traveler interaction to determine, based upon a predetermined rule, a discrepancy.

Claim 23 provides for comparing the at least one second agent-traveler interaction with the at least one first agent-traveler interaction, to determine, based upon a predetermined rule, a discrepancy,

Claim 43 provides for analyzing the recorded first and second audio, video, or data information, by performing a comparison between the first and second audio, video, or data information to determine, based upon a predetermined rule, a discrepancy between the first agent-traveler interaction and the second agent-traveler interaction,

The Final Office Action at page 4 asserts that “Brooks discloses an analysis device (an analysis system 324) for comparing the audio, video, and data of the at least one first

agent-traveler interaction with the audio, video, and data of the at least one second agent-traveler interaction to determine, based upon a predetermined rule, a discrepancy (i.e., to determine suspect travel patterns and anticipate suspect activity) ([0053]).”

Appellants submit that Brooks fails to disclose or suggest comparing the audio, video, and data of the first and the second agent-traveler interactions to determine, based upon a predetermined rule, a discrepancy, as required in independent claims 1, 23 and 43.

As detailed by Brooks at [0054], analysis system 324 receives the attribute data, including biometric and other data. Attribute data, as detailed in Brooks for example at [0038] and at [0048], relates to a characteristic of a person or an area, such as a biometric detail. The attributes are thus discrete and specific data items. Comparing attributes as taught by Brooks is a specific and limited task that does not involve analyzing a traveler-agent interaction and comparing two such interactions. Accordingly, the problems identified by Brooks are only such problems that can be detected by comparing discrete characteristics, such as false or duplicate identification, expired visas, or a person identified in two distant locations with an unreasonable time gap (see Brooks at [0053]).

Detecting suspect travel patterns or suspect activity by Brooks is thus limited to those patterns or activities identifiable from the attributes as described. Further, Brooks provides no teaching of how such patterns or activity can be detected. Therefore the data used by Brooks and the types of problems identified do not involve the contents of the captured interactions, and do not require analysis and comparison thereof.

The video Brooks suggests capturing (see Brooks at [0045]) cannot be understood to constitute part of the information used for analysis. Brooks there suggests that the video capture can be used for supervisory review or as evidence in court. Brooks does not teach or suggest analysis of the video, and in particular Brooks cannot suggest comparing two videos taken at two stations.

Brooks also suggests at par. [0053], in which analysis is discussed, to distribute the data to multiple locations. Such distribution is unreasonable for data that is highly voluminous in nature such as continuous video recording. Therefore it is clear that Brooks performs all analysis on the attribute data only, and does not analyze or compare audio or video of agent-traveler interactions.

Accordingly, Appellants submit that Brooks fails to disclose or suggest comparing the two captured interactions, as recited by claims 1, 23 and 43.

Second Ground of rejection under 35 U.S.C. § 103 over Brooks in view of Waters.

Claims 3 and 26 stand or fall together

Claim 3 provides for an alarm identifier device for identifying an alarm situation based on the comparing of the at least one second agent-traveler interaction with the at least one first agent-traveler interaction.

Claim 26 provides for an alarm identifier device identifying an alarm situation based on the comparing of the at least one second agent-traveler interaction with the at least one first agent-traveler interaction.

The final office action asserts on page 5 that "...Waters discloses an alarm identifier device (analyzing synthesizer 250, Fig 1, Waters) for identifying an alarm situation (certain dangerous situation or event are recognized) based on the comparing of the at least one second interaction with the at least one first interaction (multiple attributed objects are analyzed to detect events) (2:46-3:2, Waters)."

Appellants submit that Waters fails to disclose or suggest identifying an alarm situation based on the comparing two interactions, as required by claims 3 and 26.

Waters teaches capturing the same objects at the same area by multiple

overlapping cameras, see for example Fig. 3 and col. 2 lines 27-32 of Waters. Therefore, the cameras capture the same event or interaction, rather than two different interactions.

The "objects" detected by Waters are video objects representing people, luggage, etc., and events are detected by spatial relationships between the objects, such as crossing or possible collision. The detection of such events is enabled since the same area is captured by one or multiple cameras (Waters at col. 3 lines 9-16: "Optical flow analysis 210 is used to determine motion fields 211 from images separated in time (Δt), for example, from motion fields of successive frames in a single video sequence. Image registration 220 is used to determine a depth image from images overlapping in space (Δx , Δy), for example using frames taken of overlapping parts of an area of interest by multiple cameras."

The alarm situations in Waters are thus not detected by comparing two interactions, and definitely not from two interactions taking place at different locations. Further, even if two video streams are available which capture the same area, the alarm situations are not detected by comparing the streams but rather by combining them.

Accordingly, Appellants submit that Waters fails to disclose or suggest detecting an alarm situation by comparing the first and the second interactions, as required by claims 3 and 26.

Claims 46 and 54 stand or fall together

Claim 46 and 54 require the data capture device is a screen capture device

The Final Office Action at 10 asserts that "Waters discloses the data capture device is a screen capture device ([a] security screen located at the portal screens each passenger as they pass through the portal for the presence of items such as firearms and explosives which are prohibited) (4:28-48, Waters)."

Appellants submit that, in fact, Waters fails to disclose a screen capture device. Further, Waters at col. 4 lines 28-48 does not refer to screens or screening. Appellants therefore assume the Final Office Action relates to Brunetti at col. 4 lines 28-48 rather than to Waters.

Screen recording, as detailed at page 26 line 22 – page 27 line 15 of the present application as published, refers to capturing data from a computer screen, by accessing the memory device of the computer screen and retrieving the computer screen information for capturing data related to the interaction.

Brunetti, however, at col. 4 lines 28-48 teaches screening people and objects such as tickets or luggage, wherein screening relates to testing for security alerts. Screening in Brunetti is not related to a computer screen, or to capturing information from a computer screen.

Brunetti also discloses optionally recording an image. However, Brunetti does not teach using the screen as a source for capturing data. Using a screen capture device, which captures data which is then used for comparing interactions as required by claims 46 and 54, is not disclosed or suggested by screening people or objects.

Accordingly, Appellants submit that Brunetti (and Waters) fail to disclose or suggest wherein the data capture device is a screen capture device, as cited by claims 46 and 54.

Claims 10 and 32 stand or fall together

Claims 10 and 32 require that the first and the second stations each comprise an audio capturing device for capturing audio of the interactions.

The Final Office Action at page 7 asserts that “Waters discloses... an at least one audio recording device (synthesizer 250, Fig 2).”

Appellants submit that Waters fails to disclose or suggest an audio recording device, as required by claims 10 and 32. Waters' Synthesizer 250 converts the fully attributed data objects 241 to annotated graphics elements 251 and alerts 252 (see 3:48-49, Waters). Synthesizer 250 is not related to voice, much less to voice recording.

Further, Waters relates solely to visual capturing and presentation, and graphic element manipulation. Waters does not teach or suggest capturing or recording voice.

Accordingly, Appellants submit that Waters fails to disclose or suggest detecting an alarm situation by comparing the first and the second interactions, as required by claims 10 and 32.

Claims 8 and 30 stand or fall together

Claim 8 requires a replay device for replaying the at least one first agent-traveler interaction or the at least one second agent-traveler interaction.

Claim 30 requires a step of replaying through the use of a replay device the at the least one first agent-traveler interaction or the at least one second agent-traveler interaction.

The Final Office Action at page 6 asserts that "Waters discloses a replay device (output device 120, Fig. 1) for replaying at the least one first or second interactions (e.g. generating a synthetic display of multiple video cameras 101-106) (2:35-58, Waters)."

Appellants submit that Waters fails to teach or suggest a replay device for replaying the interaction. Waters discloses an analyzer-synthesizer that receives, analyzes and displays video streams. A replay device, as required by claims 8 and 30 replays the interaction, as captured, and not the result of video processing of a video capture. Accordingly, Appellants submit that Houvener fails to disclose or suggest a replay device for replaying the interaction as recited by claims 8 and 30.

Third Ground of rejection under 35 U.S.C. § 103 over Brooks in view of Waters and further in view of Houvener

Claim 53

Claim 53 requires that the audio, video, and data of the first agent-traveler interaction or the audio, video, and data of the second agent-traveler interaction are recorded synchronously.

The Final Office Action at page 12 asserts that “Brooks and Waters do not disclose the visual prompting of the screener, in synchronization with the collection system, yields a systematic, uniform, natural, efficient and optimal data collection process. However, Houvener discloses the visual prompting of the screener, in synchronization with the collection system, yields a systematic, uniform, natural, efficient and optimal data collection process (6:13-25, Houvener). Thus it would have been obvious to one of ordinary skill in the art to have included the capture processor as taught by Houvener into Waters' system, as the audio, video, and data can be recorded synchronously.”

Appellants submit that Houvener fails to teach or suggest synchronous recording of audio, video and data. Houvener discloses synchronization between a visual prompting of the screener and the collection. However, such synchronization depends on the actions of the human screener, and does not provide synchronization between recording streams which capture the full *interactions*. Synchronizing between recorded streams is a technological feature which does not require human intervention, and is thus different from the business process described by Houvener.

Accordingly, Appellants submit that Houvener fails to disclose or suggest recoding the audio video and data in synchronization as recited by claim 53.

Fourth Ground of rejection under 35 U.S.C. § 103 over Brooks in view of Waters and further in view of Eilbacher

Claims 48 and 49 stand or fall together

Claims 48 and 49 require that the analysis is spotting words said by the traveler.

The Final Office Action at page 15 asserts that Eilbacher discloses word spotting and stress detection, and, thus, that it would have been obvious to one of ordinary skill in the art to include word spotting or stress detection into Brooks and Waters' system.

Appellants respectfully disagree. Brooks relates to security checking, and checks the identity of a traveler when the traveler is present in person at an interaction. Eilbacher, however, refers only to telecommunications, such as voice analysis of customers calling a call center over the phone, see, for example Eilbacher at Fig. 1 and column 5 line 65 - column 6 line 4.

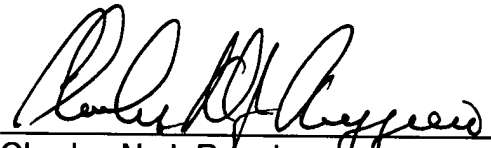
Further, Brooks relates to detecting security breaches, while Eilbacher refers to assessing customer satisfaction, where the customer does not impose a security hazard.

Therefore, due to the contradicting scenarios in which Brooks and Waters on one hand and Eilbacher on the other hand are used, and the difference in their goals, it would be counterintuitive for a person skilled in the art to combine the teachings of Brooks and Waters with the teachings of Eilbacher.

In view of the above, it is respectfully submitted that the final rejection is clearly erroneous and, as such, the present application is in condition for allowance. Appellants respectfully request that the Board of Appeals reverse the Final Office Action's rejection of claims 1 through 38 and 40 through 60.

Respectfully submitted,

February 12, 2010
Date



Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for the Applicant
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel: 203-327-4500
Fax: 203-327-6401

8) CLAIMS APPENDIX

1. An apparatus for the analysis of at least one first agent-traveler interaction and at least one second agent-traveler interaction the apparatus comprising:
 - an at least one first station for capturing substantially the full audio, video, and data of the at least one first agent-traveler interaction along a path of a traveler;
 - an at least one second station for capturing substantially the full audio, video, and data of the at least one second agent-traveler interaction along the path of the traveler, wherein the at least one second agent-traveler station is located at a location other than the first agent-traveler station; and
 - an analysis device for comparing the audio, video, and data of the at least one first agent-traveler interaction with the audio, video, and data of the at least one second agent-traveler interaction to determine, based upon a predetermined rule, a discrepancy.
2. The apparatus of claim 1 further comprising a control station for storing the at least one first agent-traveler interaction and the at least one second agent-traveler interaction captured.
3. The apparatus of claim 1 further comprising an alarm identifier device for identifying an alarm situation based on the comparing of the at least one second agent-traveler

interaction with the at least one first agent-traveler interaction.

4. The apparatus of claim 3 further comprising an alarm-generating device for generating an alarm associated with an alarm situation identified by the alarm identifier device.
5. The apparatus of claim 1 further comprising a station poll data device for polling stations for the at least one first agent-traveler interaction and the at least one second agent-traveler interaction.
6. The apparatus of claim 1 further comprising a station transfer data device for managing data transferred from stations for the at least one first agent-traveler interaction and the at least one second agent-traveler interaction.
7. The apparatus of claim 1 further comprising a database for storing and retrieving the at least one first agent-traveler interaction and the at least one second agent-traveler interaction.
8. The apparatus of claim 1 further comprising a replay device for replaying the at least one first agent-traveler interaction or the at least one second agent-traveler interaction.
9. The apparatus of claim 1 further comprising an object tracking device for tracking an

object within the at least one first agent-traveler interaction or the at least one second agent-traveler interaction.

10. The apparatus of claim 1 wherein the at least one first and second stations comprise at least one video capturing device for capturing video of the at least one first agent-traveler interaction or the at least one second agent-traveler interaction, an at least one audio recording device for capturing audio of the at least one first agent-traveler interaction or the at least one second agent-traveler interaction, an at least one data capture device for capturing data of the at least one first agent-traveler interaction or the at least one second agent-traveler interaction, an at least one storage device and an at least one data retrieval device.
11. The apparatus of claim 1 wherein the at least one first station and second station are located in the same transportation port.
12. The apparatus of claim 1 wherein the at least one first station and second station are located in remote transportation ports.
13. The apparatus of claim 1 further comprising a second control room for recording and storing the at least one first and second interactions.
14. The apparatus of claim 1 further comprising a local or remote operator for observing the operation of the apparatus.

15. The apparatus of claim 1 wherein the control station comprises a recording and retrieval system.
16. The apparatus of claim 1 wherein the capturing is performed in real time to be analyzed upon capture or at a later time.
17. The apparatus of claim 11 wherein the transportation port is an airport or a train station or a bus depot or a seaport or a vehicle for transporting persons.
18. The apparatus of claim 1 wherein the interaction is associated with a baggage item.
19. The apparatus of claim 1 wherein the at least one first and at least one second interactions comprise a captured data, video and audio depicting the interaction between the agent and the traveler.
20. The apparatus of claim 1 further comprising a quality assurance device for analyzing the at least one first agent-traveler interaction or the at least one second agent-traveler interaction for analyzing the quality of service provided to a traveler by an agent, the quality assurance device using an at least one evaluation form of the apparatus.
21. The apparatus of claim 19 wherein the quality assurance device alerts a supervisor where the quality of service provided by an agent fails to meet a predetermined

standard.

22. The apparatus of claim 19 wherein the quality assurance device initiates a training session with an agent.
23. A method for the analysis of at least two captured interactions associated with a traveler and an agent, the method comprising the steps of:
 - capturing substantially the full audio, video, and data of an at least one first agent-traveler interaction at a first station along a path of a traveler;
 - capturing substantially the full audio, video, and data of an at least one second agent-traveler interaction at a second station along the path of the traveler; and
 - comparing the at least one second agent-traveler interaction with the at least one first agent-traveler interaction, to determine, based upon a predetermined rule, a discrepancy,
 - wherein the at least one second agent-traveler station is located at a location other than the first agent-traveler station.
24. The method of claim 23 further comprising the step of recording at a control station the audio, video, and data of the at least one first agent-traveler interaction and the audio, video, and data of the at least one second agent-traveler interaction captured.
25. The method of claim 23 further comprising the step of storing at a control station the

at least one first and second interactions captured.

26. The method of claim 23 further comprising the step of an alarm identifier device identifying an alarm situation based on the comparing of the at least one second agent-traveler interaction with the at least one first agent-traveler interaction.
27. The method of claim 26 further comprising the step of generating an alarm associated with an alarm situation identified by the alarm identifier device.
28. The method of claim 23 further comprising the step of polling the at least one first agent-traveler interaction and the at least one second agent-traveler interaction from the first and second stations.
29. The method of claim 23 further comprising the step of retrieving the at least one first agent-traveler interaction and the at least one second agent-traveler interaction from a database.
30. The method of claim 23 further comprising the step of replaying through the use of a replay device the at the least one first agent-traveler interaction or the at least one second agent-traveler interaction.
31. The method of claim 23 further comprising the step of tracking an object within the at least one first agent-traveler interaction or the at least one second agent-traveler interaction.

32. The method of claim 23 wherein the at least one first station and the at least one second station comprise an at least one video capturing device for capturing video of the at least one first agent-traveler interaction or the at least one second agent-traveler interaction, an at least one audio recording device for capturing audio of the at least one first agent-traveler interaction or the at least one second agent-traveler interaction, an at least one data capture device for capturing data of the at least one first agent-traveler interaction or the at least one second agent-traveler interaction, an at least one storage device and an at least data retrieval device.
33. The method of claim 23 further comprising the step of analyzing the at least one first agent-traveler interaction or the at least one second agent-traveler interaction for quality assurance purposes.
34. The method of claim 23 wherein the at least one first station and second station are located in the same transportation port.
35. The method of claim 3 wherein the at least one first station and second station are located in remote transportation ports.
36. The method of claim 23 further comprising the step of recording and storing at a second control room the at least one first agent-traveler interaction and the at least one second agent-traveler interaction.

37. The method of claim 23 wherein the control station comprises a recording and retrieval system.
38. The method of claim 33 wherein the step of analysis comprises comparing the at least first agent-traveler interaction or the at least second agent-traveler interaction to determine discrepancies between the at least first agent-traveler interaction or the at least second agent-traveler interaction.
39. (Cancelled)
40. The method of claim 33 wherein the step of analysis comprises analysis of the at least first agent-traveler interaction or the at least one second agent-traveler interaction to determine whether the traveler is a security threat to other travelers.
41. The method of claim 33 wherein the step of analysis comprising analysis of the at least second agent-traveler interaction or the at least one first agent-traveler interaction to determine if an agent is providing a quality of service at a predetermined level, using an at least one evaluation form of the apparatus.
42. The method of claim 23 further comprising the step of transferring data from the at least one first or second stations to a server device.
43. A method for traveler interactions management comprising:
capturing first audio, video, and data information related to a first agent-

traveler interaction, at a first predetermined location along a path of a traveler;

capturing second audio, video, and data information related to a second agent-traveler interaction, at a second predetermined location along the path of the traveler;

recording the captured first and second audio, video, and data information;

storing the recorded first and second audio, video, and data information on a storage device, and

analyzing the recorded first and second audio, video, or data information, by performing a comparison between the first and second audio, video, or data information to determine, based upon a predetermined rule, a discrepancy between the first agent-traveler interaction and the second agent-traveler interaction,

wherein said first and said second predetermined locations are substantially non-overlapping.

44. The apparatus of claim 10 wherein the at least one first agent-traveler interaction is of a different type from the at least one second agent-traveler interaction.
45. The apparatus of claim 1 wherein the at least one first agent-traveler interaction is passenger screening and the at least one second agent-traveler interaction is selected from the group consisting of: ticket purchasing, baggage screening, check-in, passport control, and boarding.
46. The apparatus of claim 10 wherein the data capture device is a screen capture

device.

47. The method of claim 23 further comprising a step of analyzing the audio, video, or data of the at least one first agent-traveler interaction or the at least one second agent-traveler interaction.
48. The method of claim 47 wherein the analysis is spotting words said by the traveler.
49. The method of claim 47 wherein the analysis is stress detection of the traveler.
50. The method of claim 23 further comprising a step of checking whether a luggage belonging to the traveler has changed.
51. The method of claim 23 wherein the at least one first agent-traveler interaction is of a different type from the at least one second agent-traveler interaction
52. The method of claim 23 wherein the at least one first agent-traveler interaction or the at least one second agent-traveler interaction is selected from the group consisting of: ticket purchasing, baggage screening, check-in, passport control, passenger screening; and boarding.
53. The method of claim 24 wherein the audio, video, and data of the at least one first agent-traveler interaction or the audio, video, and data of the at least one second

agent-traveler interaction are recorded synchronously.

54. The method of claim 32 wherein the data capture device is a screen capture device.
55. The apparatus of claim 1, wherein said rule assesses a change in an item associated with said traveler.
56. The apparatus of claim 1, wherein said rule assesses a disparity between an item carried by said traveler, and said traveler's destination.
57. The apparatus of claim 1, wherein said rule assesses a change in said traveler's appearance.
58. The method of claim 23, wherein said rule assesses a change in an item associated with said traveler.
59. The method of claim 23, wherein said rule assesses a disparity between an item carried by said traveler, and said traveler's destination.
60. The method of claim 23, wherein said rule assesses a change in said traveler's appearance.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.